APPENDIX VII.

(Vide Answer to Question No. 104.)

Year.	Collegiate Education.	Rs.	Secondary Education. Rs.	Primary Education. Rs.
1098	Sirkar schools	70	7	6·7
	Aided schools	20	5·2	4·5
1099	Sirkar schools	81	8·8	7·1
	Aided schools	no aid given	5·3	4·7
1100	Sirkar schools	115·2	10·5	9·3
	Aided schools	no aid given	7·3	4·9

APPENDIX VIII.

(Vide Answer to Question No. 105.)

Year.	Building grant. Rs.	Furniture grant. Rs	Library grant. Rs.
1098	4,661	664	...
1099	5,833	1,262	150
1100	716	818—9—0	...

A sum of Rs. 4,000 was also given to the St. Thomas' College in 1098, towards the equipment of the Laboratory.

PRESIDENT.

In regard to a matter, referred to me last day, that is, certain motions to amend the Standing Orders sent by members, I promised to look into the matter and to give an answer. I have looked into the file, and the question requires a reference to the Government Advocate just to see what the procedure is. But there is no time for bringing up this matter at this meeting. It will be brought up at the next meeting.

The next item of business is the motion by Mr. C. A. Kunjunni Raja for leave to introduce his Bill.

The Nambudiri Religious and Charitable Endowments Bill.

Mr. C. A. KUNJUNNI RAJA.

Sir, I beg to move for leave to introduce the Nambudiri Religious and Charitable Endowments Bill.

Mr. V. K. KOCHUNNI MENON.

Sir, I second the motion.

Mr. C. ACHYUTA MENON.

I oppose the introduction of the Bill moved by the Hon'ble Member for the Jenmi constituency. I have many reasons for my opposition, but reserving my right to make use of them all later on, if necessary, I will confine myself to one particular reason which, I believe, is all-sufficient.

LIBRARY ARCHIVES Kerala Legislative Assembly

PRESIDENT.

At this stage is it necessary to oppose the motion?

Mr. C. ACHYUTA MENON.

It is a special case. I find that it is unlawful for the Council to consider the Bill.

PRESIDENT.

You want me to give an opportunity to the mover.?

Mr. C. ACHYUTA MENON.

I think it is for you to decide. It is entirely left to you and not to any member.

PRESIDENT.

He may meet your point in his statement.

Mr. C. ACHYUTA MENON.

Then I will explain my point. Section 11, clause (l), of the Legislative Council Regulation says that it shall not be lawful for the Council to consider or enact any measure relating to or affecting Devaswams, belonging to or under the control of the Government. In the schedule attached to the Bill there is one Devaswam which is under Sirkar management and control. It is introduced there in a disguised form, namely, Koosmath.

Mr. C. A. KUNJUNNI RAJA.

Without knowing what the Bill is, how did the Hon'ble Member think of Koosmath for an objection?

Mr. C. ACHYUTA MENON.

The Bill was placed before me for the last week.

Mr. C. A. KUNJUNNI RAJA.

It was not published formally. To give notice to the members copy of it has been furnished.

Mr. A. SANKARA PUDUVAL.

It was furnished 3 or 4 days back.

PRESIDENT.

It was published, though not in the Gazette.

Mr. T. K. KRISHNA MENON.

The Secretary is bound to do it under the rules.

Mr. A. B. SALEM.

A point of order. At this stage the legality or otherwise of the measure, whether the thing is unlawful or not is not, to be questioned. Whatever the thing, it is binding upon the Government. It was before the Government, and we are to pre-

LIBRARY ARCHIVES Kerala Legislative Assembly

sume that the Government has acted lawfully in giving sanction to introduce it.

PRESIDENT.

Let us try to understand the point.

Mr. C. ACHYUTA MENON:

We cannot rectify the mistake at this stage. "Koosmam" means "കുമ്പളം" (Kumbalam) No. 5 in the schedule.

PRESIDENT.

Before understanding, let us not come to any conclusion. Your point may be raised and explained, Mr. Kunjunni Raja.

Mr. C. A. KUNJUNNI RAJA.

"The Koosmath Sabha" means "ഉദയത്തുംഗേശ്വരത്തു" ഉ ണ്ണിത്തമ്പ" (the Udayathungeswarath Pandita Sabha).

Mr. C. ACHYUTA MENON.

Anyhow the identity is established, and it is not disputed. I have known the Devaswam for nearly 30 years. I was partly instrumental in getting it under Government control. It was once an important and well-endowed institution, but was all but ruined by mismanagement. The Government assumed the management several decades too late. As a matter of fact, the Devaswam Endowment is a part of the Sabha Endowment. There is also another Devaswam, called Trikoil Devaswam, with a separate endowment, but this also is considered a part of the Sabha Endowment.

PRESIDENT.

What is this Devaswam? Is it "തൃക്കോയിൽ ദേവസ്വം" (Trikoil Devaswam)?

Mr. C. ACHYUTA MENON.

Yes, Sir. The Sabha has a small surplus income. The endowment of the Sabha was intended for the promotion of Sanskrit learning, but there has been no Sanskrit learning there for several decades. There is a surplus of a few hundred rupees, which is now made use of for supplementing the grant to the Sir Rama Varma Sanskrit College. This is a legitimate diversion of the surplus income.

Mr. A. SANKARA PUDUVAL.

May I know whether there are two Sabhas under Sirkar management?

Mr. P. DAMODARA MENON.

There are two Devaswams.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. A. SANKARA PUDUVAL.

Sir, I rise to a point of order. The Bill is sought to be introduced before it is considered. This is not an introduceable Bill at all under section 11 of the Regulation. The Diwan's sanction has nothing to do with the question of Devaswams. The Council has taken objection under section 11. Here the Diwan cannot give sanction or is not competent to give sanction. Again, I assert that it is not an introduceable Bill at all, and I shall be glad to give further information.

Mr. CHAKKO CHERUVAHTUR.

Sir, I rise to a point of order under Standing Order No. 30.

Mr. C. ACHYUTA MENON.

It is an exceptional case. The Bill should not be brought before the Council at all.

Mr. CHAKKO CHERUVATHUR.

I rise to a point of order. Only one of you can explain.

PRESIDENT.

This is a poin of order just as yours is a point of order, and it is not opposing. He says that this is not an introduceable Bill.

Mr. CHAKKO CHERUVATHUR.

That is not what I mean. The Hon'ble Member for Trichur said that he can make an explanatory statement, if required. Then I raised the point that he cannot make a statement, if Mr. Achyuta Menon is going to explain. Only one of them can do it.

PRESIDENT.

Let me follow the Standing Orders. I may permit the mover and the opposer to make explanatory statements. Then, Mr. Kunjunni Raja, in your explanatory statement, you must point out that the Bill is not an objectionable one.

Mr. C. A. KUNJUNNI RAJA.

Section 11 has no application.

PRESIDENT.

The stage is one of asking for leave to introduce the Bill. Is not consideration necessary?

Mr. C. ACHYUTA MENON.

What I say is that there is no right for the Bill to come within the four walls of this hall.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. C. A. KUNJUNNI RAJA.

It is not unlawful. It is only to "consider" that it is unlawful, and that, only one item, and even that matter is legally admissible.

Mr. C. ACHYUTA MENON.

The measure, as it is, cannot be legally admitted. There s no room for consideration and discussion.

Mr. C. A. KUNJUNNI RAJA.

The objection is not to the measure. It is only to one item in the measure, and even in that matter I do not want to include the Sabha Madhom. It is not in the Bill.

PRESIDENT.

Is there any residue left?

Mr. C. A. KUNJUNNI RAJA.

If there is any residue, we will get it. If not, we will not.

Mr. C. ACHYUTA MENON.

I will explain what the connected endowments are. The Naduvila Madhom has, besides properties of its own, 31 Devaswams under its management. Similarly, the Thekke Madhom has also 8 Devaswams under it. The management of these Devaswams was handed over to the Madhātipaties by the Uralars. These are the connected endowments.

Mr. C. A. KUNJUNNI RAJA.

I do not admit these facts. Evidence has to be taken by a Select Committee.

PRESIDENT.

Let me have some information about these points. As it is, we see there are 2 Devaswams, and some income is utilised for the purpose of the Devaswam. There are other properties which are not made use of for Devaswam purposes and which might probably be used to further the original intention of the founder. How does the situation stand?

Mr. C. ACHYUTA MENON.

There are not 2 Devaswams. I admit that one Devaswam though called Sabha Devaswam is probably an independent endowment. The other Devaswam is a part of the Sabha Endowment. The Devaswam is under the Sabha and it is part of the Sabha.

LIBRARY ARCHIVES Kerala Legislative Assembly

PRESIDENT.

My point is this:— Suppose there are endowed properties for the Sabha itself, apart from the properties which are made use of for Devaswam purposes.

Mr. C. ACHYUTA MENON.

There is no such thing.

Mr. C. A. KUNJUNNI RAJA.

These are facts to be ascertained. Is the Council expected to know these beforehand?

Mr. A. B. SALEM.

A point of order, Sir. We know we cannot legislate about Devaswams belonging to the Government or under the control of the Government. Has the Government placed any papers on the table to enable us to know which are these Devaswams? It can only be done, if we have got a statement before the House to the effect that such and such Devaswams have been included. It is presumed that, before the Governmeut gave sanction to introduce this measure, the Government looked into the points and decided it—that is, that there are no Devaswams belonging to the Government in the schedule. These are facts to be looked into. We have not got notice of these facts. How can a member rise up and say whether this is an introduceable Bill or not under the provisions of the Regulation. Therefore, I submit that there is no point of order at all.

Mr. C. ACHYUTA MENON.

I quite differ. My point is that the Government, by oversight, made a mistake.

PRESIDENT.

I know that is a mistake.

Mr. A. SANKARA PUDUVAL.

If the President or the Government deems that it is a mistake, there is an end of the matter.

Mr. C. A. KUNJUNNI RAJA.

The Sabha Devaswam and the Trikoii Devaswam—there are two. These are separate endowments. All these are comprised in the Koosmath Endowment.

PRESIDENT.

Why should not these facts be investigated, Mr. Achyuta Menon?

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. C. ACHYUTA MENON.

I have not got the slightest objection. This question was not considered at the time the sanction was given. The question is a very serious one.

PRESIDENT.

The expression referred to in the Proclamation is "institution" and not "Devaswam."

Mr. A. SANKARA PUDUVAL.

I would explain the point of order now raised. This Bill, for the introduction of which leave is asked, affects the Koosmath Endowment—which has been identified with the Udayathungeswarath Pandita Sabha, in Kumbaiam Village. The Government assumed management of this Endowment by virtue of His Highness the Maharaja's Proclamation published in the Gazette, dated 16th Karkadagam 1073. I want to emphasise para 4 of the Proclamation. Under it, Government has assumed management of all the movable and immovable property of the Endowment. The Bill proposes to utilise the whole income from Koosmath.

PRESIDENT

The expression referred to in the Bill is "Endowment" and not "Devaswam."

Mr. A. SANKARA PUDUVAL

I asked for information, if there were not Devaswams owned by the Sabha, and under Government management, and the Secretary to the Government answered in the affirmative. This Bill would utilise all the income of the Endowment, including the income of the Devaswams, for Numbudiri education, and as such, it relates to Devaswams under Government control and management.

PRESIDENT.

From the statement of Mr. Kunjunni Raja, we find that he wants to make a distinction between the Koosmath Endowment proper, and the Devaswams owned by it.

Mr. A. SANKARA PUDUVAL.

We have to read the Draft Bill as it is; this is not the stage for making amendments. The House should either grant

LIBRARY ARCHIVES Kerala Legislative Assembly

leave in its present form or reject it. Section 11 of Regulation VIII of 1098 is quite clear. "It shall not be lawful for the Legislative Council to consider and enact any measure relating to or affecting Devaswams belonging to or under the control of our Government." Section 12, relating to sanction, does not affect the point at all. The question is, "Is this Bill introduceable or not? Is it not repugnant to clause (1) of section 11?" To suggest that this question may be considered, after its introduction, and at a later stage, is improper. It was contended on the other side that the Diwan having given sanction to the Bill under section 12, the point does not arise. This view is certainly erroneous. To explain my position, let me give another illustration. Let us suppose that a Bill relating to European vagrants is sought to be introduced, or leave to introduce a Bill to reduce the allowances of the Maharaja is asked for. These do not require the Diwan's sanction under section 12.

Mr. A. B SALEM.

The member is making a speech.

Mr. A. SANKARA PUDUVAL.

I am only explaining the point of order raised.

Mr. C. A. KUNJUNNI RAJA.

It is not a point of order.

PRESIDENT.

You may continue.

Mr. A. SANKARA PUDUVAL.

I have invited the attention of the House to the schedule of the Draft Bill, which purports to appropriate the whole income of the Koosmath Endowment. The greater includes the less. The total income includes the income of the Devaswams as well; at any rate, it affects what is being annually spent by Government out of the said income, for the purposes of the Devaswams.

Mr. C. A. KUNJUNNI RAJA.

There it is that we differ.

LIBRARY ARCHIVES Kerala Legislative Assembly

PRESIDENT.

Mr. Kunjunni Raja says that the Bill is not intended to cover such property or such income.

Mr. C. A. KUNJUNNI RAJA.

The Bill would be so amended.

Mr. A. SANKARA PUDUVAL.

I have already said that this is not the stage for amendments. If the Bill be *prima facie* objectionable, as offending against the provisions of section 11, there is no other alternative but to throw it out at this stage. If a Bill, contravening the provisions of section 11, be presented for obtaining leave, it ought to be rejected at once. To delay its rejection till the third stage would be sheer waste of time, and illegal as well. If this argument were to be countenanced, even Bills, which are on the face of them *ultra vires*, could only be rejected after their introduction, and "leave to introduce" has to be granted as a matter of course.

PRESIDENT.

Would it not be open to the House to consider the question at a subsequent stage?

Mr. A. SANKARA PUDUVAL.

It is a question of competency of jurisdiction, and may be considered at any time.

PRESIDENT.

The question of the jurisdiction of the House may be considered at any stage.

Mr. A. SANKARA PUDUVAL.

I agree. But I cannot accept the view propounded by the mover that in section 11 the expression "to consider and enact" must be interpreted in the light of Standing Order 37, and that the proper time to discuss it is only when the member in charge of the Bill moves that the Bill, as reported by the Select Committee, be taken into consideration. Regulation VIII of 1098 does not define the term "consider"; it is used in its ordinary sense; the Standing Orders lay down how the business of the Council is to be conducted, step by step; they regulate the procedure, and do not over-ride the provisions, and statutory res-

LIBRARY ARCHIVES Kerala Legislative Assembly

trictions of the Regulation. Some Hon'ble Members appear to be labouring under a confusion of ideas. Objection to the "introduceability" of a Bill, goes to the very root of the matter; if the objection be valid, leave should not be granted; the objections that could be raised, at the stage referred to in Standing Order 37, are limited to the specific points stated therein; and this is not one of them. It is obviously a condition precedent, that a Draft Bill should not contravene the express provisions of section 11, before any member could ask for leave to introduce it. Printed copies of this Draft Bill have been circulated to us by the Secretary to the Council; and we find that in its present form it ought not to be placed before us. A Draft Bill containing partly objectionable and partly unobjectionable matter has to be thrown out, because section 11, does not sanction its dissection into parts, and also because no amendments could be made at this stage. The mover may withdraw the Bill and may, after giving due notice, bring it up again in an unobjectionable form later on. I cannot fall in with the sentiments expressed by a previous speaker; "let it be introduced; we shall consider the objection, after its introduction". When a doubt is entertained of the existence of virulent poison in a pill, no doctor would advise you to swallow it, and get your suspicion cleared up; this is dangerous advice. Prudence would counsel you to test it, before you take it in. This House, which possesses the authority to make laws, should not lightly brush aside statutory restrictions, and trespass upon forbidden ground. I strongly oppose granting leave to the Bill in its present form.

Mr. C. A. KUNJUNNI RAJA.

I do not know whether the Hon'ble Member for Trichur is speaking on the point of order raised by him. At this stage, the President in Council has no power to rule that the Bill is not introduceable. When the Bill has been admitted once by the Diwan, the President in Council has no power to rule that it is not introduceable. Even the point of order is not in order.

PRESIDENT.

Has not the President the right to say that a measure, which is introduced in Council, was admitted by a mistake, and has he not power to rectify it, if the Bill is inconsistent with law?

Mr. N. PADMANABHA MENON.

Under section 12, the point of order now submitted is this:— When a Bill is once admitted by the Diwan, and a motion

LIBRARY ARCHIVES Kerala Legislative Assembly

has been made in the House, can the President by a ruling shut out the Bill? That is the point of order.

PRESIDENT.

The Bill has been admitted first. The Diwan has given sanction for the Bill, the President has admitted it, and the member has sought for leave to introduce the Bill.

Mr. C. A. KUNJUNNI RAJA.

I fail to see in the Regulation or Standing Orders any power, any authority, given to the President in Council to rule that a Bill is not introduceable at all on any ground.

PRESIDENT.

Should not the President see that the rules and sections are not violated?

Mr. A. B. SALEM.

The President can see that the Rules and the Regulation are not violated under the rules already passed.

PRESIDENT.

No measure can be introduced in respect of certain matters forbidden, and the question is whether, instead of Koosmath, somebody had put in there the Vadakkunnathan Devaswam or another Devaswam better known than this. That is due to the want of proper understanding about the two subjects. We postulate a state of things and then argue what will follow. I shall put a simple case. Take the Vadakkunnathan or the Ernakulam Temple. Suppose it is included in the schedule. Now, the Diwan does not care to look into the schedule. The member wants leave to introduce the Bill. I just look into it in my capacity as President.

Mr. C. A. KUNJUNNI RAJA.

What is the meaning of "introducing the Bill"?

PRESIDENT.

Will you please hear me till I finish? And then, I find there is a Devaswam in the schedule. How can I, in my capacity as President, allow a measure, relating to the Devaswam, to be introduced in Council? A member raises a point of order that it relates to a Devaswam, and the House says that it has to be removed. What reply will have to be given? Please answer.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. N. PADMANABHA MENON.

That is exactly the point. I suggest a ruling from the Chair whether a Bill that has been introduced can be shut out by the President. The Bill has been admitted by the Government.

PRESIDENT.

Why do you bring the Government and the Diwan into the controversy? They are irrelevant. The Diwan may do so many things. He has only to grant the sanction. The President is here to see that the rules are carried out.

Mr. N. PADMANABHA MENON.

My doubt is this:—Whether, when a motion for the introduction of a Bill is actually being made, the President can rule that the Bill is not in order.

Mr. A. B. SALEM.

I rise to a further point of order. You have just now stated from the Chair that, though the Diwan has given sanction to a measure, he could as President examine it; and if he is not satisfied, he could give a ruling to that effect, and then that point goes. I submit, Sir, before any Draft Bill is to be introduced, a notice has to be given, under Rule 30 of the Legislative Council Rules, to the President of the Council, and then the President has to consider it, before he allows the motion to be made. He has to consider whether it is unlawful to be brought here and other points, and then he has to inform the member accordingly. If he found that it is unlawful, his first duty was, to state that it infringes the Regulation and therefore cannot be introduced. Otherwise, this "introduced" has no meaning.

PRESIDENT.

The President also is apt to commit mistakes just as the Diwan. Suppose the President, by an oversight, does not look into the conditions of the Devaswam. He gives leave to introduce. Now, what happens?

Mr. A. B. SALEM.

The President is given one month's notice or longer notice to consider the question. The point here is that the President has been given a notice of one month, at least one month.

LIBRARY ARCHIVES Kerala Legislative Assembly

PRESIDENT.

It is one month. Take it to be so.

Mr. A. B. SALEM

So the President has one month to consider whether it is an introduceable Bill or a non-introduceable Bill. Are we to take it from you that, by an oversight, you allowed the Bill to be introduced?

Moreover, there are other aspects. This House shall always have to enlarge the powers, to take as much powers as it can to itself. Here is a member getting up and saying we do not want a non-introduceable Bill. Even if they pass it, we are here to consider the measure and to enlarge the powers. I ask point blank whether the President can consider or cannot consider this matter. Then that point can be made clear. Otherwise, it is not a point.

PRESIDENT.

All along we have been under the impression that it is not a Devaswam, so that what objection is there for the facts to be investigated and decided? And then we might say whether it is an introduceable measure or not. I want the matter to be considered by my Government Advocate. That is the state in which Government is, and so Government cannot say whether it is really a Devaswam. It should be considered whether it comes under section 11, clause (1). That is the attitude; so that, in such a state of things, why not defer the consideration of the legal objections, and if there are other objections, let the Bill share its fate?

Mr. C. ACHYUTA MENON.

In the meantime, suppose that item is omitted from the Bill. What will be the result? It will be a new Bill. We may adjourn the consideration of this to the next meeting.

PRESIDENT.

We need not adjourn the consideration. Can we not give leave? Can we not give leave to introduce the Bill, and at the next stage, when it is published and petitions are considered, can we not throw out the Bill then?

Mr. C. ACHYUTA MENON.

We are going too far. If it is not an introduceable Bill, let the consideration be dropped at this stage and taken up at

LIBRARY ARCHIVES Kerala Legislative Assembly

an adjournment of the Council. If it is found that it is unlawful to be given leave, it is better to prevent that than to cure the defect afterwards. It is a serious thing too to allow a Bill which we have no right to consider.

PRESIDENT.

Of course, for the determination of this matter, as to whether it relates to a matter which is beyond the power of the Council, as laid down in section 11, facts have to be investigated, before we come to a conclusion. How will the situation stand, if the whole thing is adjourned for another day, so that the motion for leave to introduce will not now be discussed at all? The facts must be investigated, and the objections raised considered. Now, they say it is clearly a point of controversy. If it is clearly a Devaswam matter, of course, nobody can question it. For purposes of deciding whether it is a Devaswam matter, the facts have to be gone into; and then only we can come to a decision whether it is a Devaswam or not a Devaswam. If this particular item is objectionable, the whole Bill must go, according to Mr. Achyuta Menon. The case of the other side is that other matters will have to be considered. Whether this may be struck off and leave may be given to introduce the Bill is another matter. We have to consider it. Of course, if we permit the motion of the member to allow the Bill to be read and allow the deletion of "Koosmath" as an amendment at a later stage, that is another point to be considered. For the purposes of our controversy, whether time should be allowed for the investigation of the matter may be decided on.

Mr. C. ACHYUTA MENON

Nobody can object to the postponement of the thing, to the adjournment of the consideration of the introduction of the Bill to the next meeting. Well, I want to urge one point. "Koosmath" should not be omitted, and the Bill as it is should be considered at the next meeting.

PRESIDENT.

Let us see whether it is a proper course to adjourn the consideration of the Bill. A member may say, after the facts are investigated, and after a decision is given, that it is a Devaswam matter. I am grappling with this question, whether you should be permitted to do so or whether the proper course is not to dismiss the Bill as a whole and to ask him to introduce

LIBRARY ARCHIVES Kerala Legislative Assembly

the Bill a new, or whether permission can be given to strike off this particular item and then to introduce the Bill. That is the point to be considered.

Mr. C. ACHYUTA MENON.

I wish to make one remark. I must call the attention of the President to section 12 of the Regulation about the previous sanction of the Diwan in writing as to any measure affecting revenue or religion. Now, the Diwan has given sanction for the introduction of this Bill. I do not question the Diwan's right to give this sanction or the correctness of the decision. But if the Diwan is going to give sanction again on a new thing, I should previously urge one or two considerations.

Mr. C. A. KUNJUNNI RAJA.

Not in this session.

PRESIDENT.

That does not come before the President. You cannot address me as Diwan but only in my capacity as President. It is all for the Diwan to give leave or not.

Mr. T. K. KRISHNA MENON.

That is not a case of sanction. The President has nothing to do with it.

Mr. A. B. SALEM.

The Hon'ble Member from Trichur referred to matters relating to European vagrants and other matters that have been taken out of the cognizance of the House. I ask whether previous notice of the Bill is not sufficient for the purpose of examining whether we are treading upon forbidden ground.

PRESIDENT.

But Mr. Salem forgets this point. I myself drew your attention to it. Whether it be a month, 2 months or one year, the examination may not be right. The Diwan, in spite of the minutest examination, may still go wrong. So that item has nothing to do with previous notice. If the error was committed, it has to be set right. Because one thing has been done and that wrongly, it is no use saying that the President ought to uphold it. No. He should not do it. It is for me to consi-

LIBRARY ARCHIVES Kerala Legislative Assembly

der the question whether it is right or wrong. I must always be open to conviction. "Because as Diwan I have decided it to be right, I as President will not consider it again"—that should not be my attitude.

Mr. M. KRISHNA MENON.

One word, with the President's permission. The point of order does not come here. The point is this:—Because sanction has been accorded, the Bill has been introduced. The only method adopted is in the Standing Order, and it is for the House to decide. There is no point of order for the President to decide in this matter.

PRESIDENT.

There also I want to tell you how the thing should be considered. There is no ground for a point of order at all. Whether you call it a point of order or not, the Hon'ble Member has to see what is the substance of the point of order. Never mind how it is brought before the House. Let us not be carried away by the words "point of order". You are not to discuss it. We want to get the substance of it.

Here, the Diwan in his public capacity as Diwan has given sanction. You say the President is not bound by that, and the President admitted it. The Bill is sought to be introduced. The President's eyes are only opened now. I have given leave to introduce this Bill. This relates to a Devaswam matter which ought not to come into this Council. The President at once admits his mistake. I may not allow it. That is the aspect. In case the President has once stated that it is introduceable, is he precluded for ever from considering that statement? The Bill has been moved for the first reading. After that, is it for the House to decide whether leave should be granted or not? Now, we are on the stage of leave to introduce. The question, whether the House is going to give leave, will be put to the vote. But before that, you must have heard, as a lawyer, that there are things that are beyond jurisdiction, facts that go to the very root of the cause, facts which require to be determined, and that there are certain facts for the purpose of determining whether the Court itself has jurisdiction. But once these are granted, other facts and disputes arise and have to be considered. There is the fact of jurisdiction.

Mr. N. PADMANABHA MENON.

The Court will not consider a preliminary objection for the purpose of hearing.

LIBRARY ARCHIVES Kerala Legislative Assembly

18512

PRESIDENT.

I shall put the plainest facts before you. I say that the Vadakkunnathan Devaswam and the Ernakulam Devaswam are put there. Supposing the Diwan has given sanction, and the President has admitted it and put it down in the agenda, and the motion comes before the Council, is the President entitled to raise any objection? I have put it down in the agenda. Now, is the President entitled to say that it is a non-introduceable Bill? You better answer the question.

Mr. M. KRISHNA MENON.

Is the President entitled to say? We have reached that stage. The motion is opposed by the Hon'ble Member for Mulakunnattukavu. That is the question.

PRESIDENT.

S. O. 30 presupposes a Bill which can be introduced in the Legislative Council according to the rules. I think that this question of the legality of the Bill can be taken into consideration. The taint of illegality will cling to it in all its stages.

Mr. A. B. SALEM.

The views of the Government Advocate, especially, may be had.

Mr. A. SANKARA PUDUVAL.

Would the President ask the Government Advocate whether he has anything to say in this matter?

Mr. C. A. KUNJUNNI RAJA.

I do not admit the fact that it is a question of law to be referred to the Government Advocate. None of these facts I admit.

PRESIDENT.

I may ask him for my own information. I cannot ask him in my capacity as President. I shall ask the Government Advocate whether he has anything to say in this matter on the question of law.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. C. A. KUNJUNNI RAJA.

I do not admit any of these facts. I think the first part of my argument is not a question of law. In the stage of leave to introduce, we have not to consider and enact; the other argument is on a question of facts, which I cannot admit, unless properly investigated.

PRESIDENT.

I want to put this before you. We have admitted Government Devaswams like the Vadakkunnathan Devaswam or the Ernakulam Devaswam or the Tiruvilluamala Devaswam—all Government Devaswams—which fact they possibly cannot dispute. The Diwan also admits the Bill, and in the usual course of things, it comes to the Legislative Council, and now we are at this stage. The mover begs leave to introduce it. A point of order is raised. I have already given leave. If this is not the time, when is the time to question this legality? They would not admit its legality, because there are these objections. This is the first time they have an opportunity to raise the point. Now, they say it ought not to have been admitted, and in admitting it, I have gone against the rules. I have admitted, and, of course, it is said that I will not be justified, if I object to its introduction, when the Diwan gives sanction. That has no relevancy.

We are here on this preliminary question or principle of law. This is the stage when an objection should be raised or considered. So far as I am aware, there are admitted Devaswams. We shall suppose them to be put down here; then consider the point, and then see what objections follow. The only consideration then is, are these Devaswams of the kind contemplated by section 11 or not? If you admit, you have nothing to say with regard to the first position. If you do not, the whole thing goes.

Mr. M. KRISHNA MENON.

With regard to the first position, the House will not give leave to introduce the Bill, on this objection. The sense of the House is against it. I say the President has no position here. It is only the leave of the House that is asked for. The President has already given his leave.

PRESIDENT.

It was admitted. Now, they say the President's attention is drawn to it, before it is put to votes. Will you allow the

LIBRARY ARCHIVES Kerala Legislative Assembly

Bill *in extenso* to be introduced, though a particular item goes against section 11 of the statute? Could you allow the point to be debated or put in motion? That is the question asked. When the motion is put to votes, we can decide one way or the other.

Mr. M. KRISHNA MENON.

We have not reached that stage; we are now to consider whether it is not open to the President, even though he has admitted it on a former occasion, to say that he ought not to admit it, because it offends against certain provisions of the statute.

PRESIDENT.

Mr. Raman, do you follow the reasoning? Can you answer me?

Mr. M. K. RAMAN.

There is no provision.

PRESIDENT.

Is there anything contradicting it?

Mr. M. K. RAMAN.

But here the section is clear. The opinion of the House may be taken. I mean, when a motion is being brought and adopted, and if there is opposition, it may be put to votes.

PRESIDENT.

After all these objections are decided?

Mr. M. K. RAMAN.

I submit, Sir, that the President has no power. If he has erroneously done anything, it is for the House to say that the President has gone wrong, and if the House thinks so, the admission may be revoked.

PRESIDENT.

It is against all well-known principles of natural justice and equity; and I am not going to allow it.

Mr. C. A. OUSEPH.

In this connection, may I bring to your notice Rule 33 with regard to resolutions that gives power to the President?

LIBRARY ARCHIVES Kerala Legislative Assembly

"The President may disallow any resolution or part of a resolution, if it contravenes any of the rules or the Standing Orders or, if in his opinion, it cannot be moved consistently with public interests".

No such thing is said with regard to Bills. There is a specific provision with regard to disallowance of resolutions in part, but no such discretion to disallow part of a Bill.

PRESIDENT.

What is the meaning of this reference ?

Mr. C. A. OUSEPH.

Just to draw a parallel. No such provision is laid down with regard to Bills, but a certain provision is laid down with regard to the conduct of the Bill i. e. section 11 of the Regulation. The question is whether this Legislative Council can enact any measure relating to these forbidden things. When once the Bill is introduced, it is not for the President to rule out the Bill as being unlawful.

Mr. V. K. KOCHUNNI MENON.

Section 11 says, "It shall not be lawful for the Legislative Council to consider and enact any measure relating to or affecting &c., &c., " Is this the construction to be put upon section 11 of the Rules ? It is not right.

Mr. C. A. OUSEPH.

Suppose the measure relates partly to the subject prohibited and partly lawful. Then it is in the power of the Council to consider and enact. It is not consideration or enactment that is now done here. It is only after granting the leave that the Bill can be introduced. It is only after the introduction of the Bill that the matter can be considered. It is only consideration and enactment by this Council that is not lawful. It is only after the consideration and enactment of these matters that the Legislative Council comes to a conclusion as to whether it is a matter on which the Council has power to enact. So I say the question arises as to whether a particular subject is open to the consideration of the Council or not. It is a matter which comes properly for consideration, only after the Bill is introduced.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. V. K. KOCHUNNI MENON.

This is not the only matter. There are several other matters as well to be considered. In giving leave to introduce the Bill, consideration will only come subsequently.

PRESIDENT.

Suppose this Bill has reference only to Devaswam matters.

Mr. C. A. OUSEPH.

But here are other matters in respect of which leave to introduce the Bill may be given, and therefore, why not the House consider the question as to whether leave cannot be given ?

Mr. A. SANKARA PUDUVAL.

My argument is just the same as you understand it from the spirit of the previous speaker. With apologies to the Chief Medical and Sanitary Officer, suppose some virulent poison with sweets is given to one man, and he is asked to swallow it to see if it is poison. A pill, half poisonous and half sweet, is swallowed to experiment, if it is poison or not.

PRESIDENT.

Is it a proper analogy ? (Turning to Diwan Bahadur Dr. V. Verghese).

DIWAN BAHADUR Dr. V. VERGHESE.

Sir, evidently it gives me an opportunity to speak. From what I have heard from the speaker, the whole thing reminds me of the process of entry into a masonic lodge. When he is to go in, he is given a pass-word to enter in. He says " I am going, and I shall give you the word on return ". He has to utter the pass-word at the very door, and then he will be allowed to go in. Likewise, it seems to me with regard to this Bill. Has it received the pass-word ? I fancy that it has not, because section 11 clearly states that no matter, which pertains to Devaswams, can be touched by the Council.

PRESIDENT.

Excuse me, I did not ask you about these things. I asked you about the poison. (*Continued laughter.*)

Mr. E. IKKANDA WARIAR.

Sir, power is given us to consider only certain matters. It is restricted to a great extent by the Council Regulation. According to what the Hon'ble Member for Jews has said, we can consider anything, if it is admitted by the President. But section 11 says that this House is competent to consider only certain matters, and if the matter brought before the Council is a matter which the Council is not competent to consider, I say

LIBRARY ARCHIVES Kerala Legislative Assembly

that it should not be considered. Of course, there may be members here, like the Hon'ble Member for the Jewish Constituency who wants to get more and more powers to the Council. I am one with them in that respect. But I want to go by the rules and to see conventions established which are not antagonistic to the spirit of the Council Law.

PRESIDENT.

Quite so.

Mr. E. IKKANDA WARIAR.

When a Bill, which embraces matters foreign to the scope of the Council Regulation, is brought before this Council, it is the duty of us who want to go by the rules to point out to the President that this House has no right to discuss that Bill. I think that the Bill before us is one of that nature for reasons given by the Hon'ble Members for Trichur and Mulakunnattukavu. The convention sought to be established by the Hon'ble Member for the Jewish Constituency is that the Council should give leave to introduce any and every Bill that is brought before it. I quite understand his position. But what I say is that we must add a proviso to it, namely, that the subject-matter of the Bill must be one which this House is competent to consider. I think that this House has no right to discuss this Bill as it is, and so it must be summarily rejected. The Government Advocate may also be asked to present the legal aspect of it to this Council.

Mr. C. A. KUNJUNNI RAJA.

Whether the Devaswams are included in the term "Koosmath" or not, and whether the income of the Devaswams is kept distinct from those of the Sabha, are all questions which should be investigated, and so far, the investigations now made are not completed.

PRESIDENT.

What is the course you propose?

Mr. C. A KUNJUNNI RAJA.

It is not my purpose to include the Devaswams under the word "Koosmath". They want me to include these Devaswams, but I do not want. If the expression "Koosmath" is not happy, it can be changed, and for that you have to substitute some Devaswams. The item No. 3, Chovannur Sabha Madhom, is owned by the Sabha. That is the change, and I may put "the Koosmath Sabha Madhom". In the case of No. 6, it is "Endowments of the Sukapuram Sabha Yogam". That is

LIBRARY ARCHIVES Kerala Legislative Assembly

going by the ordinary interpretation of the words. The authorities give money in the name of endowments.

PRESIDENT.

All these are endowments. That is the grammatical construction.

Mr. C. A. KUNJUNNI RAJA.

Of course, if there is any ambiguity, it can be made clear by amendmets.

Then there is a thing put in motion, which I do not want the House to discuss now, i. e., to decide whether the Bill does not come within the purview of section 11.

Mr. C. ACHYUTA MENON.

What I say is that there is no "Koosmath" Endowment apart from the Devaswam Endowment.

Mr. C. A. KUNJUNNI RAJA.

Then it will be removed. and I do not get anything.

Mr. M. K. RAMAN.

There is one objectionable item included. I submit that it was only two days before that we were considering the Electricity Bill. There, in two of the sections, we had certain subdivisions including the terms "binding on the Crown". What we did was to actually remove them, and therefore, some of the objectionable and small items may be removed, when we consider the sections, one after another. There is a time when we could remove all these. Of course, no enactment that is brought here can be perfect. It is only after it is brought in, and after the mistakes are pointed out that they can be rectified. It is essential also. So what I have to submit is that, even though taking for argument's sake that there are objectionable items, the leave of the House is to be given for the introduction of the Bill, and later on we will have to consider it.

Speaking of the conventions of the House as to the initial stage of introducing the Bill, it is not proper—at any rate, it is not the custom—to throw out Bills at this stage. Of course, there are several stages to discuss the merits or the demerits of the Bill, and we need not come to any conclusion at the initial stage. I submit that it will only be proper to give the leave of the House to introduce the Bill.

Mr. C. A. ACHYUTA MENON.

There is an express provision in the Regulation. I am very diffident. There is a substantive law on the subject, and

LIBRARY ARCHIVES Kerala Legislative Assembly

we are all trying to get over it by the help of conventions. I do not know, if that is the proper sort of thing.

Mr. M. KRISHNA MENON.

Well; that custom over-rides the law.

PRESIDENT.

The question as to whether leave to introduce the Bill should be negatived on the ground that it refers to a Devaswam matter under section 11, clause (l) of the Regulation has now to be decided. The schedule to the Bill refers, among admittedly unobjectionable matters, to one *Koosmath* (No. 5), and it is said that this is nothing but a Devaswam under the management of the Government. This is a question of fact which requires investigation. It may be that ultimately it may be a Devaswam or not a Devaswam falling within section 11 (l). Taking all the particulars into careful consideration, I think the motion for leave to introduce the Bill may be debated.

Mr. C. A. KUNJUNNI RAJA.

Sir, I came to engage myself in this business in the hope that there would be in this House a disposition to take the Nambudiri community in the condition in which we find them and to improve them from that condition by giving them an education fitted to their position in society by establishing institutions suitable to the requirements and necessities of the case. Mr. C. Achyuta Menon, the Hon'ble Member for Mulakunnattukavu, who was the Census Reporter of Cochin for 1891, has described for us the condition in which we have for long known the Nambudiri community. He then wrote that "the Nambudiries are worshipped as gods by their innumerable tenants and defrauded hourly by their astute agents and managers, and that they lead a life of opulent simplicity, unbounded hospitality, and undisturbed indolence". The same writer in the *Cochin State Manual* writes in these words :—

"The Nambudiries form but a small community numerically, but owing to their character, intelligence, wealth, and social position, their importance considerably exceeds their numerical strength. This importance, however, has been on the decline during the past half century, which is mainly due to their caste exclusiveness and conservatism. Their influence in State Councils which was once supreme is now a negligible factor, and *on account of their objection to English education, they are being elbowed out* by other castes from almost every literate walk of life".

I would moreover recall in this connection the immortal figure of Suria Nambudiripad in Mr. Chanthu Menon's *Indulekha*,

LIBRARY ARCHIVES Kerala Legislative Assembly

a figure typical of the class to which he is represented to belong. I am not aware that there has been any considerable improvement in the State of things thus depicted about three decades and a half ago. I am sure there is no one in this House interested or inclined to keep the Nambudiri community permanently at so miserable a level and in a situation to excite merely derision and cotnempt. It is worth while to quote, in this connection, what the late Mr. Manikkath Sankara Menon wrote as the Superintendent of Census in 1901. He writes :—

" They are a god-fearing, truth-loving, law-abiding, and an exemplarily pious class of people. With the wealth and influence they have commanded, and the reverence, homage, hospitality, and gifts they have been accustomed to receive, they have as yet had no occasion to experience the cares of the world. This fact accounts for their aversion to all kinds of innovations and their disinclination to keep pace with the times. The faculties of this superior race have been of little practical use to the progress of the Malayalees as a nation in modern times, but if, as of yore, their energies had been diverted into proper channels, a sensible addition would have been made to the intellectual wealth of the Malayalee community, which would have reacted with effect in the sphere of material advancement. But the traditional system of life which they still actually follow acts as the most lamentable obstruction to progress of any kind."

Sir, it will be readily felt that these sentiments of Mr. Sankara Menon, like the man, are brimful of good sense and right feeling.

Constituting as they do the landed aristocracy of the State, the Nambudiries, however, came to be rudely awakened from the indolence and torpor of centuries by the incidents connected with the Cochin Tenancy Regulation. This agrarian or political event brought about the greatest change in the secular activities of the Nambudiries, and thereby exercised a decisive influence on the future of the community as a whole. From that time onwards, to study the king's language so as to qualify himself for the affairs of the world became a regular aspiration of every noble Nambudiri youth. From this time too, Yogakshemam meetings of the Nambudiries of Cochin, Travancore, and Malabar with a view to determine the main lines of reform and development came to be regularly organised and held in different parts of the land. Mr. Damodaran Nambudiripad of Kurur took his stand as the leader of the reform movement, and from that day to the day of his untimely death, he filled a place in the affection and esteem of the Nambudiries, to which very few of

LIBRARY ARCHIVES Kerala Legislative Assembly

their leaders could make pretence. The Kurur spirit has to give life and vigour to the rising generation. The impulse which awakened the secular and materialistic instinct of the Nambudiries did unhappily come to pass under inharmonious conditions. The agitation against the Tenancy Regulation brought the community into stern antagonism with the Government of the day and also with some of the most advanced classes in the State—classes most competent to supply adequate guidance to them in the period of transition.

In striking out novel and independent lines of culture and calling, the Nambudiri boys and young men everywhere impatienly broke loose from the discipline and ideals of the past. The contrast presented by the present day Nambudiries to his elders is really startling. The modern Nambudiries are distinguished by their exclusive addiction to secular pursuits and pleasures in contrast to the Satvic, peaceful and unobstrusive habits of their elders and ancestors. Everybody knows that during the last few years a very great degeneracy has taken place from reputable Nambudiri life and manners throughout almost the entire community. Young men, careless in their opinion, loose in their morals, and without education and without any idea of discipline and manners would eventually constitute a public danger of the most ominous type. Indeed, we still come across fair and noble characters that, by the unconscious example of their inborn purity, star-like constancy, and great devotion do remain true to the high and sacred ideals of the past—reminding us that the race was once the head and soul of Kerala. But these blessed spirits —ceasing to be the normal type—are only illustrious exceptions to-day. The community as a whole is sorely dissatisfied with their present conditions. The tone of life—intellectual, social and religious—is low, and this low tone is reacting disastrously in many directions. To recreate this community on the foundations of their ancient religion and modern secular culture is the main object of the present Bill.

Some of the prudent and thoughtful among the Nambudiries have for the past few years been anxiously engaged in concerting measures to counter-act the evils referred to. They set to work and evolved the idea of a special Nambudiri School or Vidyalaya. They are indebted in this particular to Diwans Messrs. Banerji, Bhore and Vijayaraghava Charya and to Mr. Matthai, the present Director of Public Instruction, all of whom whole-heartedly lent the weight of their authority and influence to the evolution of the institution. Without entering in detail into the chequered career of this Vidyalaya, I have to state that all their exertions in this matter finally proved futile. The

LIBRARY ARCHIVES Kerala Legislative Assembly

leaders have again set to work, and have taken up the thread where it was left at the close of Mr. Vijayaraghava Charya's regime.

We know the Nambudiri Brahman is the inheritor of a very ritual religion, and that his life from birth is subject to inumerable restraints. His life is full of strict observances, and his separate habit of living during boyhood precludes him from the ordinary interests and intercourse of life. Secular education, in the modern sense of the term, he can have only late in boyhood, there being no provision for it in home life. Hitherto, the practice has been to sacrifice secular education to religious culture and observances. The underlying idea of our scheme is to find means for giving the Nambudiri boys an education fitting them to preserve their Brahmanic virtues unimpaired, without sacrifice of their civil and secular prosperity. The curricula of studies in the Vidyalaya and the time-table of lessons have been framed so as to secure simultaneous progress in the time-honoured Vedic lessons and modern education in English, Sanskrit and Vernacular—paying at the same time adequate attention to the discipline necessary to their duties and practices as a Satvic and religious community. I would, in this connection, earnestly invite the Council to go through the curricula of studies extracted in the pamphlet already circulated among the members by the Hon'ble Member for Chruvirutti.

The Nambudiries being the religious authority in the land and forming as they do the exclusive repositaries of religious knowledge, their education is a matter which deeply concerns the entire Hindu community. In these days of reform and progress, this Council cannot gravely or honestly contend that it has nothing to do with the education of a community circumstanced like the Nambudiries. The new age in Kerala may be said to have begun about a century ago. Till then, as respects civilisation and general prosperity, the Nambudiries occupied the highest rank among the different communities of Kerala. Discerning and thoughtful Nambudiries, as observed before, contemplate the present degraded state of their brothren with despair. The well-to-do among them have already spent large sums of money in starting and supporting the Vidyalaya so far. Indeed, the entire scheme could be carried out, if the community has both the inclination and the funds required. And from what they have done so far, we can clearly perceive that they have the inclination, but not all the funds required; and for these they have come before this Council in a strictly constitutional manner. I maintain that it is the right and duty of the State to make special provision for the education of the Nambudiries, and it is

LIBRARY ARCHIVES Kerala Legislative Assembly

not sound statesmanship to leave them entirely to themselves to fare as best as they may.

The true nature of their wants and necessities being known, measures suitable to the requirements of the community must be undertaken. There are, in the State, several religious and charitable endowments established for the spiritual welfare and educational benefit of the Nambudiries. We are seeking legal sanction to apply the income of such endowments to the education of the members of the community, as outlined in the pamphlet already referred to. In the schedule annexed to the Draft Bill, the endowments proposed to be pressed into service are:—

(1) The Thekke Madhom and the connected Endowments.
(2) The Naduvil Madhom and the connected Endowments.
(3) The Chovannur Sabha Madhom.
(4) Edakolattur.
(5) Koosmath.
(6) Endowments of the Perumanam Sabha Yogam.
(7) Sukapuram.
(8) Irinjalakkuda.

In these institutions education used to be imparted in a manner fully acceptable to the community, and the rich and the poor among them could partake of the benefits of education, not as an alms, but as a right. Mr. C. Achyuta Menon in his *State Manual* writes.—

"Prior to the administration of Colonel Munro, the Government of Cochin did not at any time directly interest itself in the education of the people. The State did not maintain or aid any schools, but left the people to make their own arrangements for the education of their children. There were—most of them are still in existence—several Mutts where *Nambudiri* youths receive their board and education free. They were taught the rudiments of knowledge in their own homes till the ceremony of *upanayana* or investiture with the holy thread, after which they resorted to *one or another* of these Mutts for their further studies. In these institutions, all of them were taught to recite the Vedas, *while those who had the inclination for it were also instructed in Sanskrit literature and science.* The teachers were learned Nambudiries, who generally resided in the Mutts, and received no remuneration for their services, except free board and lodging. As *members of other castes were not admitted to these institutions*, higher education in Sanskrit was practically monopolised by the Brahmans."

LIBRARY ARCHIVES Kerala Legislative Assembly

To-day, it is a matter of public knowledge that, through laxity, mal-administration and personal fueds, the funds of most of these institutions are being frittered away. The Mutts are hardly performing the functions expected of them, as they seldom concern themselves with the instruction of the youth—either religious or secular. In these circumstances, it is worth while to inquire what is being done with the trust properties. Little or nothing. Sir, the Nambudiries are a slowly dying community steeped in ignorance and superstition, and presenting, at best, a sad spectacle of neglected education, lost mental power and spiritual degradation.

This view of the question furnishes us with matter for serious reflection. The equipment and character of the present-day Swamiyars are in a sense responsible for this state of things. A Mutt exists to be loved, to be reverenced, to be obeyed with docility, to reign in the understandings and hearts of men. There is hardly a Mutt or Swamiyar to-day answering to this ideal. Barring a few notable exceptions, ordination as Swamiyars seldom takes place from piety and devotion but often from greed and avarice.

Sir, as matters now stand, I apprehend there will be strong opposition from such interested quarters to our plan of getting the necessary funds. Indeed, the principle of the Bill has the approval of a considerable majority of the Nambudiries as a class. I have, however, heard it said that, if the principle of the Bill be accepted, all trust funds and trust properties would be in danger. I may, however, dismiss this apprehension with the observation that no question of vested interests is involved here, and it cannot be necessary for me to explain to this Council the distinction between properties in which some known persons have a vested interest and those in which no particular person has a vested interest. This distinction must here be borne in mind as part of the very rudiments of political science. The beneficiaries of these endowments comprise the entire Nambudiri community, and the Swamiyars who from time to time happen to preside over them are no better than temporary trustees or birds of passage empowered with the disposition and management of the funds of the endowments. I may observe here in passing, on the authority of Mr. C. Achyuta Menon himself referred to above, that the endowments under consideration are not, as supposed by some people, intended merely for religious education. In the palmy days of the Mutt and the Nambudiries in general, the study of Sanskrit Dramas, Grammar

LIBRARY ARCHIVES Kerala Legislative Assembly

Logic, Astronomy, Architecture and other secular items of culture was being given in these Mutts and Sabha Madhoms, along with religious education, properly so called. The only innovation now contemplated—an innovation which could not have been contemplated and objected to when the trusts were first founded—is the introduction of the study of English. None of us here and no sensible man out-side can characterise this innovation as profane and deem it prejudicial to the interests and intention of the endowments. I feel that I need argue this aspect of the question only after seeing if any one in this Council has been briefed to oppose this Bill on this score. Sir, I know the views entertained by the Nambudiri members sitting in our midst and by the generality of the Nambudiries everywhere. Excepting a number of die-hards, who can be met with all over the world in all situations, the community as a whole has accepted the principle of the Bill.

There is no innovation in this matter. The Tirupati Devastanam Act, legalising expenditure on schools and modern culture from temple funds, and the Hindu Religious Endowments Act, authorising expenditure on sanitation and education from Endowment funds, are remarkable examples of similar pieces of legislation in the Presidency of Madras.

There is, moreover, an apprehension whether it is competent to this Council and the Government of Cochin to pass Regulations affecting such fundamental matters. This question has however been answered for all time by the Cochin Chief Court in A. S. 17 of 76. The Full Bench of the Court, consisting of Messrs. Locke, Krishna Menon and Narayana Marar, there observed :—

"His Highness is the sovereign ruler of a Native State in alliance with the British Government, and as such possesses, and as a matter of fact has all along enjoyed and exercised, all the functions and attributes of internal sovereignty, such as the right to administer civil and criminal justice, and the right to legislate and so forth. And as there is not, according to the internal constitution of the State, any popular assembly to check or to control the legislative power of the sovereign, His right must be considered absolute in that direction. If this, our view with regard to the position of His Highness the Raja, be correct, there can be no doubt that any legislative action of His Highness in any of the recognised modes of legislation is beyond question by any authority within the State."

It is, by the way, remarkable that this judgment was pronounced in a suit between the Cochin Government and the

LIBRARY ARCHIVES Kerala Legislative Assembly

Pattamandu Kovil of the Koosmath Sabha Madhom mentioned in the schedule attached to the present Bill, when the Diwan, under a Proclamation issued by His Highness, assumed the management of the funds and properties of the Madhom. The only change that has come over the State since this judgment was pronounecd is the institution of this Council to advise His Highness in matters of legislation. The initiative, therefore, now rests with us. In seeking permission to introduce this Bill, I have adduced what the community feel to be very weighty considerations. Everybody will admit that it is precarious to leave an institution like the Nambudiri Vidyalaya on the liberality of its present supporters or on the voluntary contribution of the charitable. Can we in fairness ask the community to contribute out of their private means for the educational expenses of their boys, when, as a matter of fact, they can legitimately fall back upon funds founded, for the greater part, by the liberality and beneficence of their ancestors? If it be the view of any class of persons in this House to render the community fit only to be the laughing stock of this world or "to be defrauded hourly by their astute agents and managers," it is certainly fit that the community should for ever remain deprived of the opportunities of advancement and culture.

Sir, there is no longer in Cochin what was once styled the menace of the Jenmi. We in this House should be entirely free from communal squabbles; otherwise we should be deficient in the temper which qualifies us to make laws and regulations for the State. If we have any sort of regard for the welfare and internal quiet of the community, which for centuries was held by all the other classes in high honour and reverence, we must whole-heartedly find means to give them an education fitting them, as I stated before, to preserve their Brahmanic ideals in pristine purity without sacrifice of their secular and civil prosperity.

I wish to bring to the notice of this Council what Sir T. Sadasiva Ayyar, who was for some time a Sub-Judge in Calicut, who thereafter was the Chief Justice of Travancore and who finally retired as a Judge of the High Court of Judicature at Madras—having had sufficient opportunities to know the Nambudiries—has to say about the present Bill. He writes to the Yogakshema Sabha Secretary in these terms:—

"Your circular dated 18th September 1925 regarding Draft Regulation on the Cochin Nambudiri Religious and Charitable Endowments.

LIBRARY ARCHIVES Kerala Legislative Assembly

I am so glad that the Nambudiri community has begun to understand that the *Chakra* of evolutionary progress in the hands of Lord Narayana must be submitted to by all, as a matter of duty, and if opposed, will leave the community opposing it either decaying, stagnant, high and dry, or destroy it altogether.

You have got the advantage (in being in a Native State, ruled by an enlightened Maharaja) over us (in British India), where party spirit and factions in the Legislative Council have had the effect of making our legislation on a similar subject, namely, the Madras Hindu Religious Endowments Act, 1 of 1925, a production with checks and counter-checks which have introduced the dangers of corruption and communal feelings in its provisions for the election of temple committees and have given too many loopholes for the encouragement of the spirit of litigous gambling, providing as it does appeals to the courts from the decisions of the Board in too may matters. Your Draft Regulation avoids such difficulties (see sections 2, 3 and 4).

The provisions, again, of section 12 of your Draft Regulation are much more convenient than the corresponding provisions of the Hindu Religious Endowments Act, which obliges our Board to resort to execution proceedings in Civil Courts even for the recovery of petty sums due to the Board.

Finally, I need not say that the Regulation is not at all premature but *has long been overdue.*"

With these observations I seek permission to introduce the Bill which aims to appropriate only a portion of the income of the Nambudiri Religious and Charitable Endowments after providing sufficient funds to meet their requirements.

Sir, the whole merit or demerit of the measure as it stands belongs to the Government under whose auspices the Bill was drafted five years ago. On the present occasion, however, I know absolutely nothing of the intentions of the Government. However, one may naturally enough hope that strong support will come from quarters which originally lent such cordial sympathy to the inauguration of a scheme for the education of the Nambudiries.

The Council adjourned for lunch, it being 2-15 p. m. The sitting was resumed at 3 p. m.

PRESIDENT.

The debate on the motion for leave to introduce the Nambudiri Religious and Charitable Endowments Bill is to be continued.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. C. ACHYUTA MENON.

Sir, I am opposed to the introduction of the Bill moved by the member for the Jenmi constituency. I stand by every word that I have said about the Namburi community in my *Census Reports* and in my *State Manual* in the passages which my Honourable friend has done me the honour of quoting. I am second to none in my desire for the advancement and prosperity of that community, and have always been and still am quite ready to do what I can for them. But that cannot blind me to the very objectionable character of the Bill. I have given the best consideration I could to the subject in all its aspects, and I have not been able to see my way to approve of the measure. The whole policy of the Bill as well as its details appear to me to be open to serious objection. The endowments specified in the schedule attached to the Bill are religious endowments, the income from which is to be used only for religious purposes. But the Bill seeks to divert that income for purely secular purposes wholly alien to the objects which the founders and benefactors of those endowments had in view. Such a diversion of the income is as repugnant to the feelings of orthodox Hindus as it is subversive of the doctrine of *cypres* as expounded by competent authorities. It is held by eminent judges almost as an axiom of that doctrine that "*cypres* application is limited to old charities where, by reasons of lapse of time and change of circumstances, the original purpose *cannot* be carried into effect in the exact way directed by the founder". Such a contingency has not arisen in the case of any of these endowments. Again, "the application of the *cypres* doctrine is permissible only where the administration of the trust fund in accordance with the testamentary directions of the donor (directions of the founder in the present case) is, or has, through a supervening change of the circumstances in course of time, become, practically impossible". Then again, "where the object of the founder was distinctly a religious object, the scheme ought to preserve the religious character of the charity, and no part of the income ought to be applied for any non-religious purpose". It is exactly the contrary of this doctrine that the promoters of the Bill now seek to legalise.

The sponsors of the Bill beg the question when they call the schedule endowments *Nambudiri* religious and charitable endowments. The endowments were not all made by Nambudiries; there are authentic records in existence evidencing the grant of valuable landed properties, at least, to some of these institutions by Ambalavasis and Nayars. Nor are the Nambudiries the exclusive beneficiaries of these endowments. I am quite

LIBRARY ARCHIVES Kerala Legislative Assembly

prepared to admit that a section of the Nambudiries are the most honoured and the most privileged of the beneficiaries, but all caste-Hindus share in the benefits in varying degrees, at least in respect of most of these endowments. In a memorial submitted to the Government by many of the leading Nambudiries of Cochin they admit that the Sanyasins who are heads of the Trichur Madhoms occupy "the office of spiritual preceptors or *Gurus* not only of the community or caste of Brahmans but of the entire fold of all the caste-Hindus". It has also to be remembered that certain classes of Nambudiries, like the non-Vedic Nambudiries have no part or lot in the ceremonies, observances and services which are the *raison d'etre* of these institutions: they are not entitled to the benefits of the endowments any more than, say, the Ambalavasis, or even so much as Tamil Brahmans and Kshatriyas. And yet the diversion of the funds of these institutions, as contemplated by the Bill, is for the benefit of *all* Nambudiries and *exclusively* for Nambudiries.

I shall make my position clearer by dealing with the institutions individually. They fall into three catagories--Sanyasi Madhoms, Nos. 1 and 2 in the schedule, Sabha Madhoms, Nos. 3 and 5, and Sabha Yogams. The richest and, in some respects, the most important of these are the two Sanyasi Madhoms in Trichur. They were founded by two of Adi Sankaracharyar's chief disciples, Suresvaracharyar and Padmapadacharyar, who, it is obvious from their names, were not themselves Nambudiri Brahmans. It is true that, for a long time now, consecration to the headship of these Madhoms was confined to a certain section of the Nambudiri community and prolonged usage and the insular exclusiveness of the Nambudiries have made this an invariable rule now. But there seems to be no objection, Sastraic or otherwise, to a non-Nambudiri Brahman being so consecrated, and as a matter of fact there is at least one well-known instance of a Tamil Brahman being consecrated as the Adhipati of the Southern Madhom, and that not very long ago. These circumstances and the fact that substantial additions were made to the endowments of these Madhoms by non-Nambudiri benefactors clearly show how hollow is the claim set up by the promoters of the Bill that these are Nambudiri endowments.

There is a good deal of misconception, if not ignorance, in regard to the nature of the Madham properties. The extensive landed estates administered by the Madhadhipatis are not wholly the property of the Madhoms proper. The gross annual income of the Natuvil Madhom, so far as I have been able to ascertain, is approximately Rs. 65,000 in round numbers, and that of the

LIBRARY ARCHIVES Kerala Legislative Assembly

Thekke Madhom Rs. 54,000, the price of paddy being calculated at 12 annas per para, but the actual receipts from the properties, which belong to the Madhoms proper, amount only to Rs. 13,500 and 37,200 respectively, while the rest, representing 79 per cent of the receipts of the former and 52 per cent of the receipts of the latter, are derived from the properties of the Devaswams under the management of the two Madhadhipatis. These Devaswams came under their management within the last hundred years or so. Our Government, which had no Devaswams of its own till about 940 M. E., assumed the management of a number of Devaswams about that time for political reasons, and steadily continued to pursue that policy subsequently for various other reasons. This example of the Government was followed by wealthy and influential aristocratic families like the Paliyam and the heads of the Trichur Madhoms, who assumed or accepted the management of several Devaswams from Uralars, who owing to their incompetency or to internal dissensions, gave them up more or less willingly. Thus the head of the Natuvil Madhom has now under his management 31 Devaswams and that of the Thekke Madhom eight, the former Uralars of which were Nayars and Ambalavasis in some cases and Nambudiries in others. The position of the Madhadhipatis in respect of these Devaswams is that of Uralars or trustees like that of hundreds of other Nambudiries and dozens of Nayars, who as Uralars have Devaswams under their management. Do the promoters of the Bill venture to claim that all such Devaswams are Nambudiri endowments, even those Devaswams whose former Uralars were Nayars? I sincerely hope not. It is a well-known and generally accepted fact that, when a temple, by whomsoever founded and managed, is dedicated to public worship, it becomes, by that act of dedication, the property of the public concerned and not that of a section of that public. To assume that such Devaswams are Nambudiri endowments, as is done in the Bill, is, as I have already observed, simply to beg the question. It is like the assumption that all church endowments are churchmen's endowments. It may not be out of place to mention here that the income of the Devaswams under the management of the Madhadhipatis is considerably more than one-half of the aggregate income of all the institutions mentioned in the schedule.

Supposing for argument's sake—it is a large supposition—that the Nambudiries have special or exclusive claims to the benefits of these Devaswams, why should a few of such Devaswams be singled out for legalised spoliation, while leaving

LIBRARY ARCHIVES Kerala Legislative Assembly

hundreds of other similar institutions severely alone? Whatever considerations may be urged with or without reason for despoiling the Madhom Devaswams of a part of their income apply with equal force or want of force to all Devaswams under the management of Uralars. The reason for singling out the former for purposes of this Bill is, however, not far to seek. If the Bill is made applicable to all Devaswams, it will affect the interest, the prestige and even the pockets of many Nambudiri families including those of the promoters of the Bill, and the latter will be the first to set up a howl against it. Many of the Nambudiri *illams* in Cochin have Uralar's right over one or more Devaswams, and they will fight tooth and nail against any interference with that right in the manner contemplated by the Bill. The fact of the matter seems to be that a few Nambudiries want to find money for a purpose which has no manner of affinity to the object for which these institutions were founded and endowed, money which they are perfectly able but not willing to spend out of their own pockets, and that they have discovered that the most convenient means of attaining their object is to pass a confiscatory law against certain institutions from which, whatever their interests in them may be, they derive no direct pecuniary gain and by despoiling which they suffer no personal or family loss. You may as well legislate for legalising the utilisation of the surplus income of a select number of teetotal families to finance an arrack distillery, because some people who are fond of the cup that cheers and also inebriates, and who are quite able to pay for it, desire to have their arrack cheap.

The endowments of the Madhoms proper, apart from those of the Devaswams under the management of the Madhadipatis, stand on a different footing. The Madhadhipatis are not the trustees but the owners of the Madhom properties by what may be called Sanyasic succession (സന്ന്യാസപരമ്പര). The Swamiyars inherit the properties from their predecessors who consecrated them just as sons inherit the properties of the fathers who begot them. The theory of this ownership is so well-known and so undisputed that the Swamiyars make no distinction between their personal income and the income from the Madhom estates. The Maharaja of Travancore, for instance, pays every year about Rs. 5,000 and Rs. 1,700 respectively to the Swamiyars of the Natuvil and Thekke Madhoms for certain spiritual services personally rendered by them to His Highness. These amounts and certain customary dues payable by tenants, such as signature fees, &c., are credited in the Madhom accounts along with the rents received from tenants. In the case of Deva-

LIBRARY ARCHIVES Kerala Legislative Assembly

swams in general, payments of the former kind are appropriated by the priests and those of the latter kind by the Uralars. They are never credited in the Devaswam accounts. The Madhom property has almost all the incidents of private property over which the State has no proprietorship but only sovereign authority. It is like property inherited under a will with certain conditions specified therein in regard to the disposal of the income. The conditions attached to the Swamiyars' property is that the income should be utilised for certain specific religious purposes, such as the performance of daily *puja* to the tutelary diety and the celebration of periodical festivals, and the teaching of Sastras and the feeding of Brahmans at their option. The State can interfere as *parens patrae* only if the intentions of the founder or testator are not being or cannot be carried out, and that too only to set matters right, for which the State has taken ample powers under Regulation I of 1081. In these circumstances it appears to me iniquitous and high-handed to single out two such properties for legalised exaction with a view to divert their funds to secular objects altogether foreign to the intensions of their founders and benefactors.

The Bill proposes to mulct the Madhoms of 10 per cent of their receipts. The receipts of the Natuvil and Thekke Madhoms, as I have already pointed out, amount to Rs. 65,000 and 54,000, the normal expenditure to Rs. 59,000 and 50,000, and the balance to Rs. 6,000 and 4,000 respectively. These nominal balances are themselves less than 10 per cent of the gross receipts, but the actual balances will be considerably less than these. The gross receipts are caulculated on the basis of the demand, and as every one who knows anything about the administration of large estates knows only too well—and the mover of the Bill, I am sure, will hear me out in this—it is practically impossible to collect anything like the demand any year. The payment of 10 per cent of the gross receipts will therefore leave the accounts of the Madhoms in a deficit year after year. It is essential that such institutions should have an annual surplus, so that they may have the wherewithal to grant remissions to tenants in abnormal years like 1100, to repair and, when necessary, to reconstruct buildings, wells, tanks and irrigation works, and to perform periodical *kalasams* in the various temples. It has also to be remembered in this connection—and this is a very important consideration—that the receipts include payments like those made by Travancore. To capture a portion of the amounts paid by His Highness of Travancore for personal services rendered by the Swamiyars for the spiritual welfare of

LIBRARY ARCHIVES Kerala Legislative Assembly

his family and divert it for the purpose of being utilised for purely secular purposes and of helping people who are quite able to help themselves is a form of exaction which it is difficult to characterise in sober language.

I have given these figures of receipts, expenditure, etc., with a view merely to expose the unreasonableness and inexpediency of the proposed legislation. If the Bill becomes law, however, the beneficiaries under it will not find them of much value in practice. The Draft Regulation now under consideration is a taxing Regulation, and cannot operate in regard to properties situated outside Cochin. The State's power to tax or, indeed, to legislate is confined to properties situated within the State. But 94 per cent of the income of the Natuvil Madhom and 49 per cent of that of the Thekke Madhom are derived from properties situated outside the State, that is, in British Malabar and in Travancore. I believe that the Committee proposed to be appointed under the Bill cannot touch any portion of this income and make it available for the object that they have in view. The promoters of the Bill are probably under the impression that they can dispossess Naduvil Madhom, for instance, of six to seven thousand rupees a year, but they will find that they cannot get more than three or four hundred. The mountain in labour after all will only bring forth a rat.

The Sabha Madhoms of Kumbalam and Chovannur are educational institutions intended for the study of Sanskrit Literature and Sastras, and are, therefore, according to modern ideas, charitable endowments. But according to Hindu notions, no line of demarcation exists between religion and charity: the Sanskrit word *dharma* connotes and includes both. These also should therefore be treated as religious endowments, especially in view of the fact that there are temples attached to both these institutions. The Kumbalam institution, known as the Udayathungeswarath Pandita Sabha, is an ancient and once famous seat of learning. It was managed by a functionary called *Pattamandukovil*, who was elected quinquennially by the Numbudiries of Venganad Gramam, the management being supervised by four Nayar Desavazhi chiefs, whose families are still in existence. It ceased to function as a seat of learning many decades ago, the major portion of its large property having disappeared as the result of mismanagement and peculation. The Government assumed its management in 1073, several decades too late. The Sabha Madhom at Chovannur, when I first made its acquaintance more than 30 years ago, was still in a flourishing con-

LIBRARY ARCHIVES Kerala Legislative Assembly

dition, where many pupils from Malabar and Cochin were receiving instruction in several branches of Sanskrit learning. The income from the endowment was insufficient in those days for the maintenance of the institution, but the Zamorin Maharaja used to make a substantial contribution to make up the deficiency. The institution has now considerably deteriorated, which is due to the neglect of the Numbudiri community to take advantage of the educational facilities afforded by it, and not to any indifference or incompetency on the part of the present teacher-manager, Mahamahopadhyaya Kilimangalath Narayanan Nambudiripad. It is not possible now to ascertain if instruction in the Kumbalam Sabha was confined to Nambudiri youths, but in Chovannur Tamil Brahmans, Kshatriyas and Ambalavasis were among the pupils, though Vedic Nambudiries alone were, I believe, *entitled* to be admitted as boarders. This circumstance and the fact of the Nayar supervision over the Kumbalam Sabha make it doubtful if these endowments were intended exclusively for Nambudiries. However that may be, the utilisation of the surplus funds, if any, of these institutions for educational purposes is not open to serious objection. It will however be more in keeping with the spirit of the endowments to use the surplus funds for founding a Chair of Sanskrit in the Maharaja's College than for establishing an English school for Nambudiries.

By far the most objectionable provision in the Bill is that relating to the Sabha Yogams, Nos. 6, 7 and 8 in the schedule. The Nambudiri community is divided into groups, or *yogams*, as they are called, such as the Irinjalakkuda Yogam, the Trichur or Sukapuram Yogam, the Perumanam Yogam, etc. These *yogams* have each an endowment of its own, the specific object of which is to encourage and assist a certain section of the Nambudiries in performing *Yagas* or Vedic sacrifices, which are the most elaborate, the most costly and the most important of Vedic rituals. Those who have performed these sacrificial rites and who are thereafter known by the generic name of *karmies* have to perform *Agnihotram*, or to light and maintain the sacrificial fire throughout the balance of their lives, and this entails on them a considerable recurring annual expenditure. It is in defraying this latter expenditure that these endowments come to their assistance. The whole income from them, except for a small proportion spent on the worship of the tutelary deities of the *yogams*, is divided equally among the *karmies* belonging to the respective *yogams*. They get about 70 to 120 rupees each per annum. The Bill proposes

LIBRARY ARCHIVES Kerala Legislative Assembly

to divert this income for paying the salaries of a few teachers in a particular English school. To the orthodox Hindu mind a more sacrilegious proposal is inconceivable, and to no Hindu would it have occurred except to those whose mind is obsessed by the financial difficulties of the Namburi Vidyalayam. The enormity of the proposal can be brought home to the minds of my Catholic friends by means of a parallel suggestion. Many devout Catholics make endowments for mass to be said for the repose of the souls of their departed parents and others. What will they think and say, if those endowments are diverted for the purpose of teaching, say, the cult of the Sumarai or the doctrines of Confucius ?

After all, what is the pressing necessity which can excuse this desperate attempt to legalise illegality and sacrilege ? If it is to satisfy a real public want felt by a large section of the people there is some excuse, but no justification, for passing such a Bill. Far from such being the case, the avowed object of the Bill is to finance a superfluous institution, which is intended for a small community, and which is wanted only by a minority of that community. When the whole State is dotted with English schools of all grades, and when Nambudiri youths are actually attending several of them at present without the least derogation to their prestige or status, what earthly reason is there for the demand for a special school or schools for their exclusive use? While the number of students in the Nambudiri Vidyalayam is only 40, there are as many as 90 Nambudiri youths studying in the other schools in the State. If any Nambudiries desire, for reasons of their own, to have an exclusive school for their community, they, as the wealthiest section of the population of the State, can well afford to open and conduct such a school without doing violence to the feelings of the rest of their co-religionists. Though the Nambudiries form only one-half per cent of the population of the State, they form no less than 60 per cent of the pattadars who pay a Land Revenue assessment of Rs. 1,000 and more. If the Nambudiri pattadars who pay an assessment of Rs. 1,000 and upwards would agree to pay a cess of one anna in the rupee of the assessment they pay, they can easily make up at least Rs. 12,000 a year for their educational purposes. I am glad to find that many leading Nambudiries in the State take this view of the case. In their memorial to the Government, to which I have already made reference, they say :—
" The memorialists feel that the Regulation at the outset casts an unmerited slur on them as a class by its assumption that they are generally uneducated and are on a par with the Panchamas

LIBRARY ARCHIVES Kerala Legislative Assembly

and other depressed classes. If literacy is taken as an indication of education, the Nambudiries will occupy a very high place in the list of the educated community by reason of the large percentage of literate men in their community. . . . No doubt the members of the memorialists' community have not taken advantage of the present-day educational institutions and become English-educated to any appreciable extent. But it is impossible to assign, as a reason for this state of things, the non-existence of schools where they could get the instruction which some appear to thirst after. None of the existing English schools in the State or British Malabar are closed against them, and the Sirkar, instead of encouraging their present agitation, would be justified in telling them that they or any section of the public desiring to have English education can have the same in any of the State or private schools which at present exist in sufficient numbers. Several members of the Nambudiri community have attended and are attending public schools, so that it cannot be said that the caste rules or customs followed by them do not permit them to do so. Their social position too does in no way stand in their way, as persons of high rank among them have had their studies in public schools. The memorialists beg to submit that it will be only just and proper that a community which forms comparatively a wealthy section of the public, desirous of having separate educational institutions for their exclusive use and benefit, should find funds of their own, instead of approaching the Government with a request to pass a drastic and objectionable piece of legislation to provide for their luxury." This is the considered opinion of the leading and most respectable members of the community, and as such deserves the favourable consideration of this Council. I am credibly informed that His Highness the Maharaja has deliberately recorded a similar opinion.

I understand that the reason alleged by the promoters of the Bill for wanting a special school for the Nambudiries is that they want their children to pursue their Vedic studies as heretofore, while receiving English education, and that satisfactory provision cannot be made for such studies when they attend any of the existing schools. While conceding that there is some force in this contention, I hold that this object of theirs can be attained much more cheaply and satisfactorily by establishing a hostel for Nambudiri students in Trichur. Possessing as it does four excellent High Schools and a First Grade College, the town makes ample provision for Arts students of every grade. If a hostel is built in the extensive premises lying to the north of the Brahmaswam Madhom and belonging

LIBRARY ARCHIVES Kerala Legislative Assembly

to it, the Nambudiri students occupying it can receive their Vedic instruction in the Madhom, which is its *raison d'etre*, and also attend any of the High Schools in the town, preferably the Vivekodayam High School, which is close to the Madhom and is specially adapted for the requirements of an orthodox people like the Nambudiries. This suggestion, if carried out, has this additional advantage of great importance, namely, that all the students, or such of them as need it, can get their boarding free in the Brahmaswam Madhom. I have not the least doubt that a scheme like this will receive the sympathetic support of our Government.

For the reasons which I have tried to explain as briefly and clearly as I can, I enter my emphatic protest against the introduction of this Bill. If, as is alleged by some with considerable show of reason, the object of the Bill is to enable a few wealthy Nambudiries to repay the large sum borrowed by them from the Brahmaswam Madhom, I would make my protest doubly emphatic.

PRESIDENT.

Under Standing Order 30, it is open to me, without further debate, to put the question to the House, but this being a controversial measure, affecting different sections of the Hindu community, I do not want to stop any member from speaking. If any member wishes to speak, he may speak.

None rose up to speak.

Mr. C. ACHYUTA MENON.

Is the Government going to express any view on the subject?

PRESIDENT.

Not now. The question before the House is that leave be given to introduce the Nambudiri Religious and Charitable Endowments Bill. The motion has been made and duly seconded. Those who are in favour of the motion, please hold up their hands. Those against the motion please hold up their hands.

The motion was carried, Mr. Achyuta Menon and Mr. Puduval alone opposing, Government Members remaining neutral.

Resolutions on matters of General Public Interest.

PRESIDENT.

The next item of business tabled for the day is the resolution standing in the name of Mr. S. S. Koder :—

LIBRARY ARCHIVES Kerala Legislative Assembly